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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,913	02/02/2001	Hiroshi Shirakawa	202689USXSRD	8108
22850 7590 06/11/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HAVAN, THU THAO	
			ART UNIT 3691	PAPER NUMBER
			NOTIFICATION DATE 06/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

09/773,913

Applicant(s)

SHIRAKAWA ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **Detailed Action**

#### ***Response to Amendment***

Claims 24-29 are pending. This action is in response to the amendment received January 8, 2007.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 24-29 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **24-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zandi (US 5,966,699) in view of King (US 5,742,775) and further in view of Chien (US 2002/0120557).

Re claim **24**, Zandi teaches an auction system including a computer disposed in a site accessible from user terminal apparatuses through a transmission line of a network, the auction system comprising (col. 2, lines 12-14; abstract):

a borrowing request storage section configured to register the potential borrowing request (fig. 2: register corresponds to authorizer in order to enter a web auction system);

a lending intermediacy section configured to receive a plurality of potential lending offers each including a desired lending amount and a desired interest or a rule capable of calculating the desired interest (col. 9, lines 1-32);

a lending offer storage section configured to register the potential lending offers (fig. 4A);

a background information storage section configured to store background information of the potential borrowing requests (col. 2, lines 15-61; col. 5, lines 4-37);

a risk calculation section configured to calculate a risk of each of the potential borrowing requests and an appropriate interest rate thereof from the background information of the potential borrowing requests (col. 8, lines 56-60); and

a ... section configured to select a set of successful bids between the potential borrowing requests and the potential lending offers, wherein the borrowing request storage section registers the potential borrowing requests input through the transmission line into the borrowing intermediacy section (col. 9, lines 1-32),

the lending offer storage section registers the potential lending offers input through the transmission line into the lending intermediacy section (col. 4, lines 1-25; fig. 1),

the risk calculation section is configured to allow each of entities of the potential lending offers to designate a risk calculation condition used for a corresponding potential lending offer, and the risk calculation section calculates an appropriate interest rate for application to each of the potential borrowing requests while using background information of

Art Unit: 3691

a corresponding potential borrowing request stored in the background information storage section, in accordance with a designated risk calculation condition for each of the potential lending offers, so as to allow a corresponding entity to refer to the appropriate interest rate (col. 9, lines 33-48), and

...a plurality of potential borrowing requests registered in the borrowing request storage section and a plurality of potential lending offers registered in the lending offer storage section, by setting a certain order of priority on these potential borrowing requests, and selecting a set of successful bids, in descending order of priority of the potential borrowing requests and in ascending order of the desired interests of the potential lending offers, within a range not more than the maximum allowable interest of the potential borrowing requests, until the desired borrowing amount of the potential borrowing requests is satisfied (col. 5, lines 4-37).

However, Zandi does not explicitly teach a section configured to input a plurality of potential borrowing requests each including a desired borrowing amount and a maximum allowable interest. On the other hand, King discloses a section configured to input a plurality of potential borrowing requests each including a desired borrowing amount and a maximum allowable interest when he discloses paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (col. 7, lines 62 to col. 8, line 44; col. 14, lines 8-60; figs. 2, 6a-6c, and 6j). King discloses the borrower may transfer from the administrative account a percentage of the principal or other annual amount. In figures 6a-6c, King discloses borrower and lender agree upon the principal balance and term, an initial interest

Art Unit: 3691

period and initial interest rate, as well as a minimum rate of interest, compounding and interest rate crediting dates, and principal and interest payment dates. Thus, it would have been obvious to one of ordinary skill in the art to configure a desired borrowing amount and a maximum allowable interest based on the loan requested application to vary the rate as discloses in King.

Furthermore, both Zandi and King do not explicitly teach a matchmaking section. On the other hand, Chien discloses a matchmaking section (para. 0026 and 0006-0007). Chien discloses automatic matching and arbitrations of financing transactions among members of a financing group. Thus, it would have been obvious to one of ordinary skill in the art to construct a matchmaking section based on the loan requested application as discloses in Chien.

Re claims **25** and **26**, Zandi teaches a section configured to allow an entity of a potential lending offer to read the background information of potential borrowing request (col. 2, lines 15-61) and the background information of a potential borrowing request contains accounting information of an entity of the potential borrowing request, and the risk calculation section is configured to calculate a default rate of the entity of the potential borrowing request based on the accounting information (col. 8, lines 56-60; col. 9, lines 33-48). *Zandi calculates risk factors by initially denying or accepting the borrower's application for a loan. He discloses a calculation condition by permitting a lender to withdraw from a previously offer if initial conditions of borrower's are not met.*

Re claim **27** and **29**, Zandi teaches each of the potential lending offers includes a maximum allowable risk, and the system further comprises a screening section configured to

select a potential lending offer for which the risk calculated by the risk calculation section falls within a range of the maximum allowable risk from a corresponding potential lending offer and the certain order of priority is set to give priority to a potential borrowing request with a higher maximum allowable interest concerning the desired borrowing amount (col. 8, lines 1-16).

Re claim **28**, King teaches a repayment totalizing section configured to calculate a total a repayment amount for each repayment maturity of a single borrower and a dividend calculation/totalizing section configured to calculate a total dividend amount formed from a total of interests and principals for each divided period of a single lender (figs. 2-4 and 7e).

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3691

system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
Thu Thao Havan  
Art Unit: 3691  
6/1/2007